

# State Board of Education Meeting 6.24.21

Western Heights



**OKLAHOMA**  
Education

# Educational Services & Outcomes

9 school sites

3,400 enrollment (2020);  
2596 (2021)

Demographics  
(approximates)

- >90% Economically Disadvantaged
- 35% English Learner
- 46% Hispanic
- 16% Black
- 23% White

# Probation – April 2021

Audit findings (2 years)

Academics and student outcomes

Federal programs – non-compliance (2 years)

Emergency relief \$

Students with disabilities – Individuals with Disabilities Education Act (IDEA) – Tier 3 (2 years)

Personnel

Instability and disharmony

# Academic Outcomes

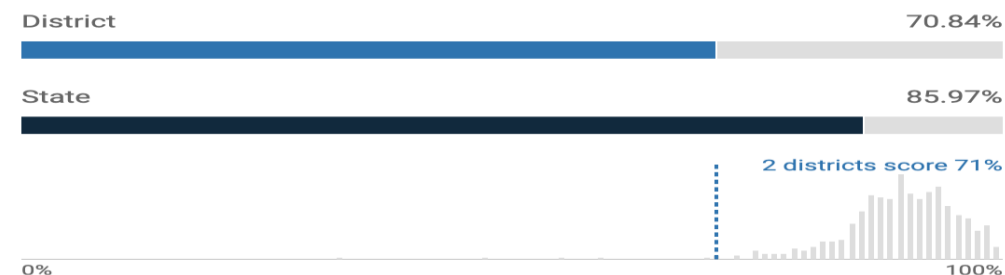


## Academic Achievement -

1% Advanced; 10% Proficient;  
35% Basic; 53% Below Basic



## Chronic Absenteeism



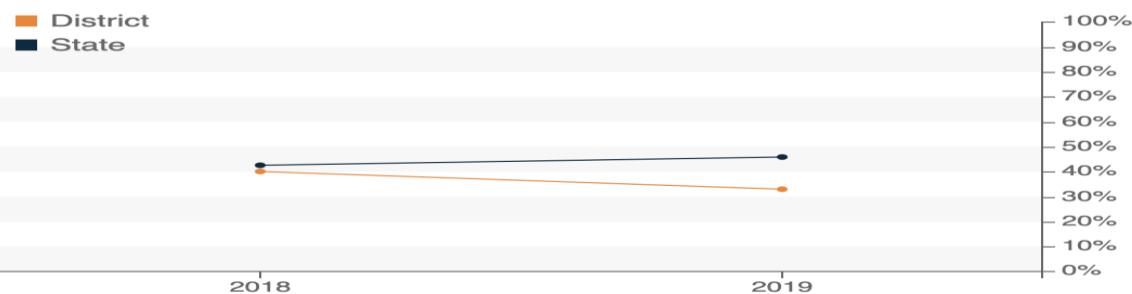
Chronic Absenteeism



## Postsecondary Opportunities

Select Student Group ▾

### Performance Over Time



Support

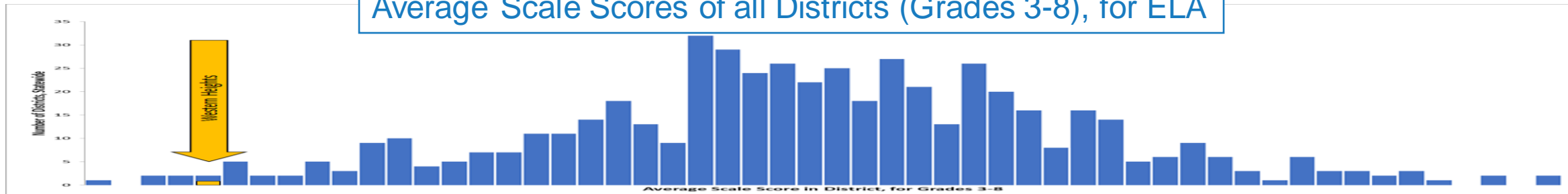


designated for Support & Improvement

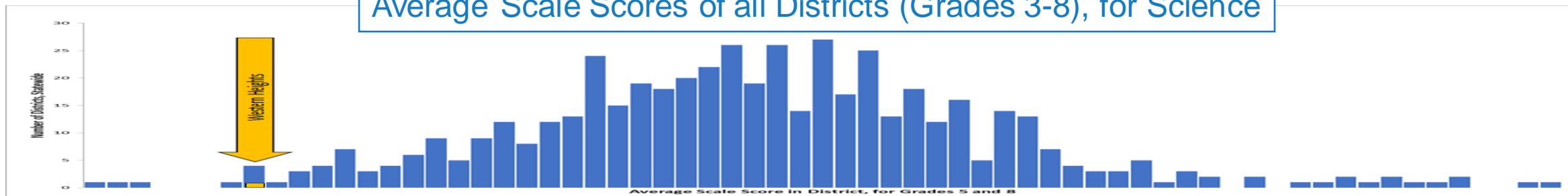
5 sites as Additional Targeted Support & Improvement

# Now: Widening Gap in Academic Outcomes

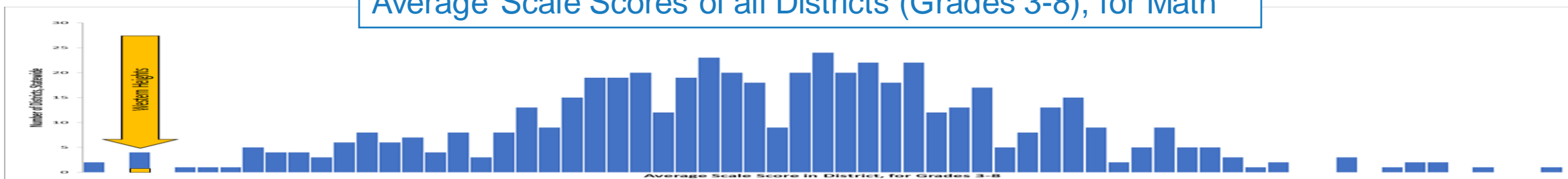
Average Scale Scores of all Districts (Grades 3-8), for ELA



Average Scale Scores of all Districts (Grades 3-8), for Science



Average Scale Scores of all Districts (Grades 3-8), for Math



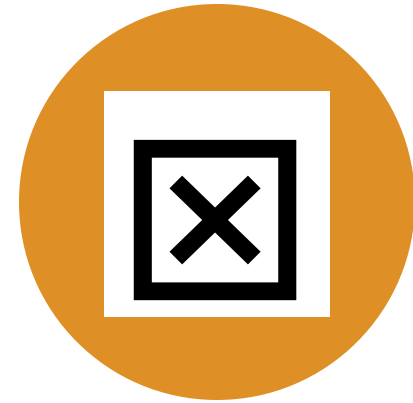
# School Personnel Issues



37% LOSS IN STAFF



CLAIMS OF RETALIATION  
AND HARASSMENT



IMPASSE X 2

# Audit

- 2019 audit
  - Violation of 62 O.S. § 430.1 Use of \$8,810,000 2018 funds to make payments on a 2009 and 2013 bond
- 2020 audit
  - Accounting records not properly reconciled with bank accounts
  - \$514,760.19 outstanding warrants/checks that were previously cleared
  - \$614,408 wire transfer to IRS Account on 6/29/20, made in error
  - \$240,000 to Teacher Retirement Clearing that was never coded to general fund
  - \$46,000 wire transfer to TRS Clearing that was never coded to general fund
  - \$18,276.78 in bank analysis charges not appropriated coded
  - \$32,087.44 in TRS late penalties not coded to general fund

# 2020 Audit

- \$822,450.00 double posted transactions relative to direct deposit transactions (largely due to bank error)
- \$169,006.80 in investment interest not recorded as revenue
- \$144,837.97 returned items on bank statements
- Activity Fund not balanced with bank transactions. 42% of deposits were not timely made
- Purposes of subaccounts and revenues are not always included in board approvals
- 15% of Activity Fund purchase orders did not have adequate documentation. Meals and trips did not include attendees or recipients.



# District Finances

County: 55 OKLAHOMA

Oklahoma State Department of Education

6/22/2021 1:45:32 PM

District: 1041 WESTERN  
HEIGHTS

2020 and 2019 -- OCAS -- Revenue Comparison Report

Page: 1

11 - General Fund	2019	2020	Difference	Percent Change
1000 District Sources	13,941,883.04	15,227,930.42	1,286,047.38	9.22 %
2000 Intermediate Sources	919,611.82	934,613.38	15,001.56	1.63 %
3100 State Dedicated	1,788,612.90	1,825,715.73	37,102.83	2.07 %
3200 State Aids	8,063,391.38	7,792,796.72	-270,594.66	-3.36 %
3300-3900 State Appropriate	309,535.22	356,886.23	47,351.01	15.30 %
4000 Federal	4,070,559.08	4,542,017.05	471,457.97	11.58 %
Totals New Revenue:	29,093,593.44	30,679,959.53	1,586,366.09	5.45 %

- Claim: budget has been cut by 42% in 2 years
- Reality:
  - 2019: Total General Fund \$29,093,593.44
  - 2020: Total General Fund \$30,679,959.09
  - 2020-21  
+17,779,545.15 in federal COVID-19 relief funds

# Emergency Relief Funding – COVID-19

- Prepare for, respond to, recover from COVID-19 impacts
- Must be "reasonable and necessary"
- Any activity to address the unique needs of low-income children or students and other underserved student subgroups
- Purchasing cleaning supplies; training on uses
- Planning for and coordinating services during long-term closures, including providing meals, technology for online learning, guidance for carrying out IDEA services, etc.
- Purchasing educational technology to conduct online learning for students.
- Providing mental health services and supports.
- Activities related to summer learning and supplemental after-school programs.
- Addressing learning loss among students.

# Representations on Use of Funds and Budgeting

- 17,779,545.15 available and allocated
- Reported use of CARES funds: 1-1 technology for all students
  - Unsupported
- Claims for expenditures
  - \$844,683.33 claimed
  - \$278,765 on generators
- No investments demonstrated:
  - Learning loss
  - Mental health
  - Staff retention & Recruitment

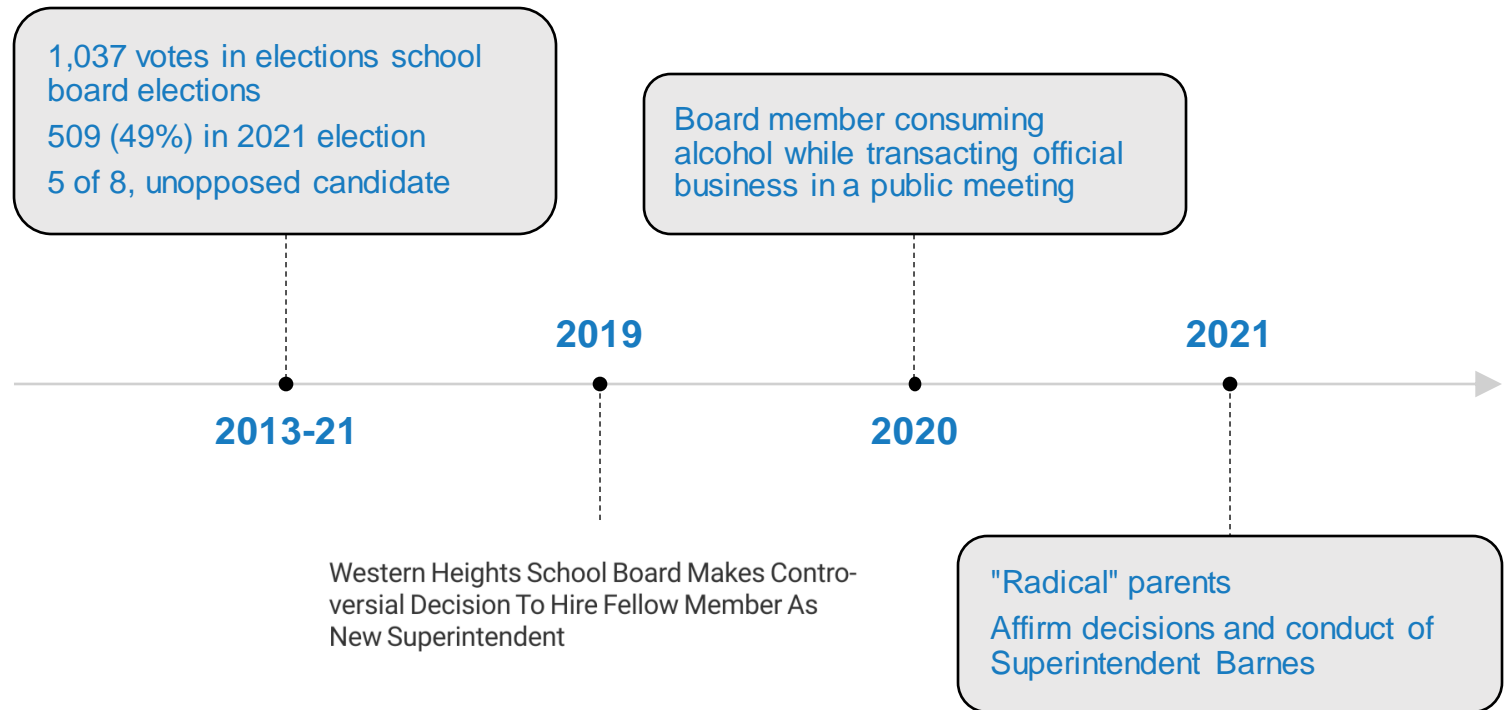
Program  2020-2021

Summary Expenditure Reports:

Select a Summary Expenditure Report from the list(s) below and press one of the following buttons:

Select	Summary Expenditure Report	Date Created	Expenditure Report Date Range	Amount	Date Submitted	Final Approval Date	Status	Status
<input type="checkbox"/>	Summary Expenditure Report 3	6/9/2021	4/1/2021 - 5/31/2021	\$284,493.10	6/22/2021		Submitted to OSDE	6/22/
<input type="checkbox"/>	Summary Expenditure Report 2	5/3/2021	12/1/2020 - 3/31/2021	\$281,324.65	5/19/2021	5/20/2021	Approved	5/20/
<input type="checkbox"/>	Summary Expenditure Report 1	12/8/2020	7/1/2020 - 11/30/2020	\$278,868.58	3/24/2021	4/8/2021	Approved	4/8/

# Governance & Leadership



Tuesday, July 2nd 2019, 5:38 pm  
By: Dana Hertneky



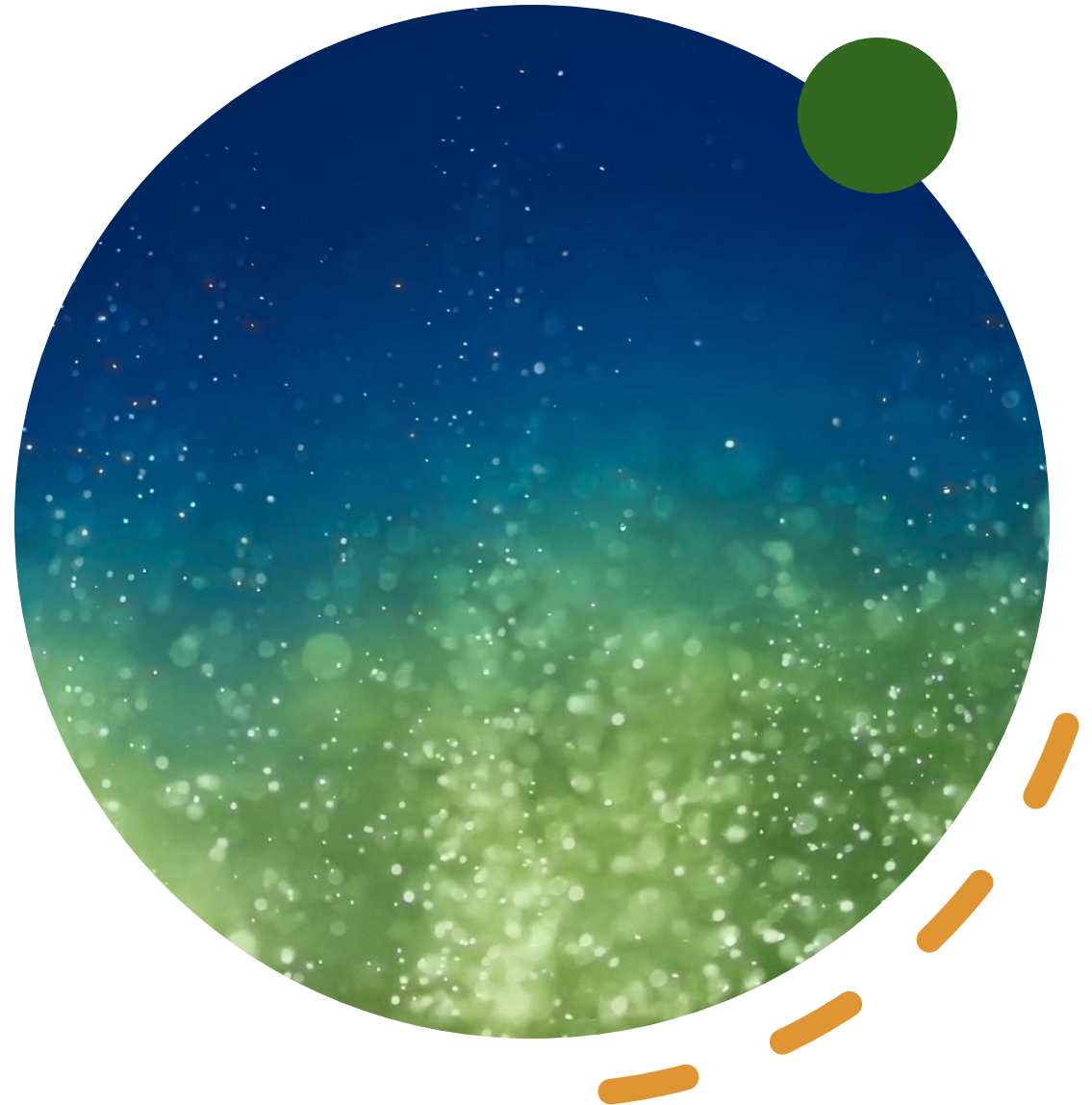
# Leadership – Representations and Certifications

Finance - management, budgeting and cost management, policy and procedure development, government regulations,

Human Resources, public relations and media affairs, contract negotiations

Omitted expulsion from University of Oklahoma, College of Dentistry

- <https://www.oklahoman.com/article/2623285/candidate-was-expelled-from-ou-records-show>



# District Leadership – Experience and Competencies

- Oklahoma Dept. of Labor
- Chief of Staff: Mannix Barnes; Chief Financial Officer: Robert Everman
- Claims of harassment and retaliation
- Merit Review Board
- Lawsuit filed against Barnes; settled.
  - Jury could find the evidence presented demonstrates Defendants acted intentionally to coerce a resignation

See Laurie Allen v. Oklahoma Dept. Of Labor; Mannix Barnes, et al. (W.D.OK) CIV-07-831-C.

# District Leadership – Experience and Competencies

## Entity Summary Information

Select the buttons below to file or place an order.

To view Entity Details there will be a \$5.00 charge and you will need to click on **VIEW ENTITY DETAILS** button at the bottom of the page.

If you are ordering documents such as a "Certificate of Good Standing" or "copies" you will need to click on the **ORDER DOCUMENTS** button at the bottom of the page.

If you are filing a legal document such as a trade name, amendment, annual certificate, etc., you will need to click on **FILE A DOCUMENT** button at the bottom of the page.

**LUPUS FOUNDATION OF OKLAHOMA, INC.**

Details

Filing Number: 2100279680

Name Type: Legal Name

Status: In Existence

Corp type: Domestic Not For Profit Corporation

Jurisdiction: Oklahoma

Formation Date: 11 Feb 1975

Registered Agent Information

Name: MANNIX BARNES

Effective: 30 Oct 2017

Address: 3017 N. STILES AVE, STE 203

City, State , ZipCode: OKLAHOMA CITY OK 73105

[View Entity Detail](#) [File a Document](#) [Order Documents](#) [New Search](#)

- Lupus Foundation of Oklahoma
- Executive Director: Mannix Barnes; Board Member: Robert Everman
- Registered agent: Mannix Barnes
- Registered address: Oklahoma Dept. of Labor
- 2015-2017: negative balance sheets of \$5,100, \$33,054 and \$24,152
- No tax return filed since FY 17
- Revoked federal non-profit status
- Current President: Nancy Everman (wife of Robert Everman)



# District Leadership – Experience and Competencies

## Lucky Star Casinos

- General Manager: Mannix Barnes
- CFO: Robert Everman
- Employee complaints of harassment and hostile environment
- 2016 audit – “unable to obtain sufficient appropriate evidence to provide a basis for an audit opinion”
- \$314,735 accounts not reconciled
- \$32,166,507 unable to obtain documentation to verify fund balances

### INSTANCES OF INSUFFICIENT AUDIT EVIDENCE TOTALS FOR ALL CASINOS

(3) Accounts not reconciled - TOTAL \$314,735

(48) Unable to obtain documentation to verify fund balances – TOTAL \$32,166,507

### CHEYENNE AND ARAPAHO GAMING COMMISSION

#### 2016 EXTERNAL AUDIT REPORT

- FINANCIAL AUDIT
- MINIMUM INTERNAL CONTROL STANDARDS - MICS AUDIT

#### 2016 FINANCIAL AUDIT

Joseph Eve auditors completed the 2016 External Audit for the year ended December 25-27, 2016, for Lucky Star Casinos – Concho, Clinton, Hammon, Canton and Watonga and Lucky Star Casino Travel Center Concho. Financial reports were submitted to National Indian Gaming Commission on April 24, 2017. Joseph Eve submitted the Audit report with a disclaimer of opinion on the 2016 financial statements for each casino.

**Auditors statement:** “Our responsibility is to express an opinion on these financial statements based on our audits. Except as explained in the Basis for Disclaimer of Opinion paragraph, we conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free from material misstatement.”  
“We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion on the financial statements for the year ended December 31, 2015.

Because of the matter described in the Basis for Disclaimer of Opinion on 2016 paragraph, however, we were not able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion on the financial statements as of and for the year ended December 25-27, 2016.”



# Governance - Leadership

- School Board to contract with, fix duties and compensation and other personnel – 70 O.S. § 5-117

## 4. Compensation:

### A. Salary.

The District shall pay the Superintendent an annual salary of \$220,000 for Fiscal Years 2020-2021, 2021-2022 and 2022-2023. As used herein, the term Fiscal Year means the period of time from July 1 to June 30<sup>th</sup> of each new contract nor the termination date of the Contract has been extended.

If and when Superintendent earns a Doctorate Degree, District agrees to increase the base salary of Superintendent by 2% for each Doctorate Degree earned. Increase in base salary will take effect once

state law and approved by the Board. Additionally, the Board encourages the Superintendent to further his education in graduate courses that would further help the district and pay the necessary fees up to twenty-five (25) semester credit hours annually; become a member of and participate in community and

### E. Sick Leave.

District shall provide Superintendent with 20 days of sick leave each Fiscal Year under this Contract to vest at the beginning of the 2020-2021 Fiscal Year. Unused sick leave will carry over to the next Fiscal Year and accrue as long as Superintendent remains an employee of District. District agrees that in the event this Contract is not extended or renewed subsequent to the end of the term or in the event Superintendent's employment is terminated during any Fiscal Year of the term due to his resignation or death, Superintendent or his beneficiaries shall be paid for all unused sick leave in accordance with state law and the policies of District. The per diem value of any unused sick days shall be determined by dividing the then current salary of the Superintendent by 226 days.

### D. Vacation.

District shall provide Superintendent with 40 days of vacation each Fiscal Year during the term of this Contract, exclusive of school holidays.

### F. Personal Business Leave.

District shall provide Superintendent with 20 paid days of personal business leave at the beginning of each Fiscal Year during the term of this Contract.

## B. Duties.

The Superintendent shall perform the duties of the Superintendent of the District as prescribed by the Board and as may be assigned by the Board, to, participating in District leadership sustainability planning and implementation with the Board. The Superintendent shall comply with all lawful Board directives, policies, rules and regulations and state and federal laws, as they exist or may hereinafter be amended or adopted during the term of this Contract. Except as provided in this Contract, Superintendent agrees to devote his full time, energy and skill to the performance of these duties in a

### D. Outside Activities.

The Superintendent shall devote his time, attention and energy to the business of the District. However, he may at his discretion serve as a paid consultant, lecturer, or engage in outside activities or long term activities with up to 10% of his time, provided that such activities do not promote or detract from the District's educational purposes, nor promote or detract from the District's financial interests, and are not in conflict with the District's policies, rules and regulations.

IN WITNESS WHEREOF, Board has caused this Employment Contract to be executed on its behalf by its duly authorized President and Clerk and Superintendent has approved this Contract effective on the day and year specified in paragraph 1 above.

Western Heights Public Schools  
Independent School District 41  
Of Oklahoma County, Oklahoma

("District")

By: Robert Everman  
Board President

("Superintendent")

By: Mannix Barnes  
Superintendent

ATTEST:

Vicki Parker  
Clerk of the Board

OK as to form  
By District Legal Counsel:

## 3. Professional Growth and Community Involvement of Superintendent:

The Board encourages the continuing professional growth of Superintendent through his participation, as he might decide in light of his responsibilities as Superintendent, in:

- The operations, programs and other activities conducted or sponsored by local, state and national school administrator and school board associations (e.g., AASA – the School Superintendents Association, National Academy of School Executives, National School Board Association, Council of Great City Schools, OSSBA, CCOSA, etc.);
- Seminars, conventions, workshops and courses offered by public or private educational institutions, including but not limited to universities;
- Informational meetings with other persons whose particular skills or talents are helpful to the District.

## K. Retention Bonus.

The District shall pay to Superintendent in the last full week of June, 2022, a retention bonus (the "Retention Bonus") in the amount of \$75,000, provided the Superintendent must have been continuously employed by the District as its Superintendent from the period that begins August 1, 2019 and ends June 15, 2022.

it of release  
to attend to  
ition, travel  
the District

to further education, clubs, organizations

15, 2

# Patterns

- Culture: Labor Dept. Litigation -> District complaints
- Financial mismanagement: Lupus Foundation -> Lucky Star Casinos -> District
- Incestuous relationship on governing boards and administration
  - Department of Labor
  - Lupus Foundation
  - Lucky Star Casinos
  - OneFire Holdings
  - Western Heights Public Schools
- Disregard for safety, health and welfare

IN WITNESS WHEREOF, Board has caused this Employment Contract to be executed on its behalf by its duly authorized President and Clerk and Superintendent has approved this Contract effective on the day and year specified in paragraph 1 above.

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Vicki Parker  
Clerk of the Board

OK as to form  
By District Legal Counsel: 



# Oklahoma City Fire Department – Notice of Violation

- Feb. 21 -> April 27
- Sprinkler systems in high school not working
  - Students and staff in building
  - Non-district patrons scheduled to be in the building
- "Who is making decisions of when to fix these things and when not to?"  
"Mannix Barnes is the Superintendent so he is really going to make the final decision."
- Handcuffs or school closure



The City of  
OKLAHOMA CITY  
FIRE DEPARTMENT

**Fire Prevention Services**  
2300 General Pershing - 405-297-3584

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**NOTICE OF VIOLATION**

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DATE 4/27/2021 RFS# FCOM-2021-01346  
Owner / Occupant Western Heights High school  
Address 8201 SW 44th OKC OK  
Phone # \_\_\_\_\_ Tag/Lic \_\_\_\_\_  
You are hereby notified that you have violated City Code 20-21/IFC2015  
Penalty Code FC3 - Fire Code Violation  
of the Ordinances of City of Oklahoma City.

Comments All fire safety systems back to full service.

You shall be compelled to Put all fire safety systems in working order With a current green inspection tag. Fire watch will be established and maintained any time the building is inhabited. Until all systems have been repaired.

By 5/4/2021 or penalty of Ordinances will be enforced.

Fire Inspector Major Sunderman. Date 4/27/2021



# Response to Probation

Lawsuit filed

No attempts to course correct and repair culture

No efforts to retain staff

Zero focus on student learning loss

Disregard safety

Affirm decisions and conduct of Superintendent Barnes

9 Oklahoma's Own LIVE @4PM

TradePros Heat & Air Fast & Reliable AC Services in OK (405) 316-0598 www.tradeprosokc.com • Residential • Commercial • Service • Installation

## Parents Frustrated With Western Height Transportation Due To Bus Driver Shortage

Wednesday, October 30th 2019, 9:44 am  
By: Ashley Holden

## Western Heights School Board Makes Controversial Decision To Hire Fellow Member As New Superintendent

Tuesday, July 2nd 2019, 5:38 pm  
By: Dana Hertneky

NEWS

## Western Heights schools to resume classes Tuesday after heated school board meeting with teachers' staff

Need to Know: CBS News Coverage 24/7

6 Oklahoma's Own LIVE @4PM

Executive Homes BUILDING DISTINCTION®

## Former Western Heights Teacher Explains Years

Home | PPTX File viewer | Microsoft Teams | Mail - Marley Billingsley - Outlook | Woman arrested in shooting de... | kfor.com/news/15-employees-resign-at-western-heights-school-board-meeting/?fbclid=IwAR0YQ97UGwadrNP00HM21D-6SzaRDLAuUcFC\_XlmXUjgRtEWDtqEBMLvY

NEWS

## 15 employees resign at Western Heights School Board meeting

15 employees resign at Western Heights School Board meeting

## Western Heights rolls out new curbside meal plan, but not everyone gets food

BE NOW Months

THE OKLAHOMAN

by Wayne Stafford | Monday, April 12, 2021

EDUCATION

## 'Please help us': Oklahoma City schools face urgent complaints, one district on probation

Nuria Martinez-Keel Oklahoman

Published 3:42 p.m. CT Apr. 12, 2021

Facebook Twitter Email Print



## Superintendents' Critics Confront W

LOCAL

## Western Heights School District Faces Criticism After Ending Free Lunch Distribution Program

## Western Heights parents asking superintendent, some board members to resign

by Connor Hansen | Friday, April 9th 2021

## Western Heights School District Faces Criticism After Ending Free Lunch Distribution Program

Monday, April 12th 2021, 5:45 pm

LOCAL

## Western Heights board member spotted drinking a beer during board meeting



# Recommendations - Next Steps

- Opportunity for corrective action through July 8, 2021
- Continued lack of response and failure to serve may result in:
  - Administrative takeover to ensure stability, competency and harmony
  - Appointment of a superintendent, interim trustee and/or liaison
  - Loss of accreditation
- State Board of Education meeting on July 12, 2021



## Recommendation item 12(c)

1. A school superintendent serves as the Chief Executive Officer of a local school board and is responsible for demonstrating and maintaining professional competencies required for certification by the State Board of Education and for providing leadership in all facets of administration of a school district;
2. Based on the matters presented and action today to immediately suspend and implement procedures to revoke the certification of Mannix Barnes, the school district board of education shall immediately suspend Mannix Barnes from his employment with the district;
3. Should the Western Heights board of education not take immediate action on the conditions of probation and consistent with the actions of the State Board of Education today, the State Board is ready, able and willing to intervene to provide confidence, competence and continuity of the school district for the families and children it serves;
4. As such, as noticed and pursuant to the authority provided, move to have the Oklahoma State Department of Education notify Western Heights Board of Education that on July 12, 2021, the State Board of Education may consider modifying the conditions of probation, to include state intervention and/or possible loss of accreditation and annexation should the school board not implement immediate corrective actions consistent with the State Board of Education's actions regarding Western Heights from and since March 25, 2021.